

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Petition of Boston Edison Company d/b/a)	
NSTAR Electric for Approvals Relating)	
To the Assignment of Purchase Power)	
Agreements with Ocean State Power)	
and Ocean State Power II.)	

D.T.E. 04-68

**PETITION FOR LEAVE TO PARTICIPATE OF
THE CAPE LIGHT COMPACT**

Pursuant to 220 CMR §1.03(1), the towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Edgartown, Eastham, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, West Tisbury, Wellfleet, and Yarmouth, and the counties of Barnstable and Dukes County, acting together as the Cape Light Compact (the “Compact”), hereby respectfully petition the Department of Telecommunications and Energy (the “Department”) for leave to participate in D.T.E. 04-68. In support of this Petition, the Compact states the following:

1. The Cape Light Compact is a governmental aggregator under G.L. c. 164, §134 and consists of the twenty-one towns in Barnstable and Dukes Counties, as listed above, as well as the two counties themselves. It is organized through a formal Inter-Governmental Agreement (the “Compact Intergovernmental Agreement”) signed by all of the towns, as well as Barnstable and Dukes counties, pursuant to G.L. c. 40, §4A. The Compact’s Aggregation Plan was approved by the Department in D.T.E. 00-47. The Compact maintains a business office within the Barnstable County offices located at the Superior Courthouse at 3195 Main Street in Barnstable, MA 02630.

2. The purposes of the Compact include, among other things, the advancement of the interests of consumers in a competitive electric supply market. Compact Inter-Governmental Agreement at Article I. Toward that end, the Compact presently operates a municipal aggregation Pilot Project, which provides electric power supply on an opt-out basis to the approximately 50,000 customers who are located within the Compact's service territory and would otherwise be served as Default Service customers. The Department approved the Compact's Pilot Project in D.T.E. 01-63 and extended it in D.T.E. 03-61 until December 31, 2003; more recently, in D.T.E. 03-99, the Department further extended the Pilot until December 31, 2004. In addition, the Compact recently executed a one-year competitive electric supply agreement to provide for service for all customer classes on the Cape and Vineyard on an opt-out basis in 2005 (the "2005 Power Supply Program"). The Department approved this agreement in D.T.E. 04-32. The Compact also operates an Energy Efficiency Plan that was approved by the Department in D.T.E. 00-47C and again in D.T.E. 03-39.¹

3. In this proceeding, Boston Edison Company d/b/a NSTAR Electric ("BECo") is asking the Department for (i) approval of a Purchase and Sale Agreement between BECo and TransCanada Energy Ltd. ("TransCanada") that would, among other things, assign to TransCanada two purchase power agreements, one between BECo and Ocean State Power and another between BECo and Ocean State Power II, and (ii) approval of ratemaking treatment relating to the Purchase and Sale Agreement. Among other things, BECo seeks approval to pass the costs relating to the Purchase and Sale Agreement through its transition charge.

¹ A portion of the decision is subject to reconsideration, pursuant to the November 12, 2003 Motion for Reconsideration filed by the Compact.

4. Decisions made by the Department in this proceeding may substantially affect the development of a competitive electricity market in the Commonwealth and the filings, testimony and decisions in this proceeding may have a bearing on D.T.E. 04-61, a similar proceeding involving similar issues on a concurrent schedule. The Compact is substantially and specifically affected by the above-captioned proceeding because (i) as a municipal aggregator that currently serves Default Service customers and has plans to serve all customer classes in the 2005 Power Supply Program, it has a substantial interest in the development of a robust competitive electricity market in the Commonwealth, and (ii) the Compact has petitioned to intervene as a party in D.T.E. 04-61.

5. The Compact requests the right to participate in the above-captioned proceeding on a limited basis as it deems necessary, including the filing of written comments, receipt of notices and filings, attendance at procedural and public hearings, submittal of briefs at the close of the proceeding and such other rights as may be afforded to limited participants in this proceeding.

For the above reasons, the Compact respectfully moves that the Department allow this petition to participate. The Compact hereby notices the appearance of the undersigned counsel.

Respectfully submitted,

THE CAPE LIGHT COMPACT

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